

ADMITTED IN:
CALIFORNIA
TEXAS

LAW OFFICES OF
JEFFORY J. SCHARFF
2625 FAIR OAKS BOULEVARD, SUITE 7
SACRAMENTO, CALIFORNIA 95864
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TELEPHONE
(916) 485-5882
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(916) 485-5912

May 19, 2006

Via Email

Ms. Elizabeth Miller Jennings
Senior Staff Counsel
State Water Resources Control Board
Office of Chief Counsel
1001 I Street, 22nd Floor
Sacramento, CA 95814

Re: **Humboldt Road Burn Dump Area 8
Cleanup and Abatement Order No. R5-2006-0711**

Dear Ms. Jennings:

I am writing to you on behalf of Virginia L. Drake, Trustee of the Drake Revocable Trust and petitioner of the above-referenced Order to provide a copy of the petition for review which has been filed on the Trustee's behalf. As you will note, this petition has been filed with the request that it be held in abeyance.

Sincerely,



Jeffory J. Scharff

JJS/hv

Enclosure

cc: Client (via email)
Randy Nelson, Esq. (via email)
Mac Goldsberry, II, Esq. (via email)
Dave Frank, Esq. (via email)
Frances McChesney, Esq. (via email)
David Boyers, Esq. (via email)
Pamela Creedon (via mail)

1 JEFFORY J. SCHARFF, State Bar No. 137620
MARK WETTERS, State Bar No. 215767
2 Law Offices of Jeffory J. Scharff
2625 Fair Oaks Boulevard, Suite 7
3 Sacramento, California 95864
Telephone: (916) 485-5882
4 Facsimile: (916) 445-5912

5 Attorneys for Virginia L. Drake,
Trustee of the Drake Revocable Trust
6
7

8 BEFORE THE CALIFORNIA STATE
9 WATER RESOURCES CONTROL BOARD

| | | |
|--|---|---|
| 11 In Re: |) | PETITION FOR REVIEW |
| |) | (Requested to be held in Abeyance) |
| 12 Virginia L. Drake, Trustee of the Drake |) | |
| Revocable Trust, James E. Simmons, Darwin |) | California Regional Water Quality Control |
| 13 H. and Nina R. Simmons, Trustees of the |) | Board—Central Valley Region, Adoption of |
| Simmons Family Trust, and City of Chico |) | Cleanup and Abatement Order No. R5- |
| |) | 2006-0711 |
| 14 |) | |
| 15 |) | |

16
17 TO ALL PARTIES AND THE ATTORNEYS OF RECORD IN THIS ACTION:

18 The following is a Petition for Review, filed on behalf of Virginia L. Drake, Trustee of
19 the Drake Revocable Trust, to the State Water Resources Control Board for review of the
20 California Regional Water Quality Control Board's adoption of Cleanup and Abatement Order
21 No. R5-2006-0711.

22 1. **Petitioner's Name and Address** (23 Cal. Code Regs. §2050 (a)(1))

23 Virginia L. Drake, Trustee
24 Drake Revocable Trust
P.O. Box 1448
Chico, CA 95927

25 2. **Specific Action to be Reviewed** (23 Cal. Code Regs. §2050(a)(2))

26 Issuance of Cleanup and Abatement Order No. R5-2006-0711.

27 ///

28 ///

1 3. **Date of Regional Board Action** (23 Cal. Code Regs. §2050(a)(3))

2 Kenneth D. Landau, Assistant Executive Officer of the California Regional Water Quality
3 Control Board—Central Valley Region issued the above-referenced Cleanup and Abatement
4 Order No. R5-2006-0711 on April 28, 2006.

5 4. **Statement of Reasons** (23 Cal. Code Regs. §2050 (a)(4))

6 Petitioner requests that the petition be held in abeyance pursuant to 23 Cal. Code Regs.
7 §2050.5 and reserves the right to supplement this Petition for Review with submission of a
8 statement of reasons.

9 5. **Manner in Which Petitioner is Aggrieved** (23 Cal. Code Regs. §2050 (a)(5))

10 See No. 4 above.

11 6. **Specific Action Requested** (23 Cal. Code Regs. §2050(a)(6))

12 Petitioner requests that the petition be held in abeyance pursuant to 23 Cal. Code Regs.
13 §2050.5 and reserves the right to request review.

14 7. **Statement of Points and Authorities** (23Cal. Code Regs. §2050 (a)(7))

15 Petitioner requests that the petition be held in abeyance pursuant to 23 Cal. Code Regs.
16 §2050.5 and reserves the right to submit a statement of points and authorities.

17 8. **Regional Board Notification** (23 Cal. Code Regs. §2050(a)(8))

18 A copy of this petition has been sent to the Regional Water Quality Control Board.

19 9. **Statement of Substantive Issues and Objections** (23Cal. Code Regs. §2050(a)(9))

20 Petitioner requests that the petition be held in abeyance pursuant to 23 Cal. Code Regs.
21 §2050.5 and reserves the right to assert the substantive issues and objections that the petitioner
22 previously asserted.

23 10. **List of Persons**

24 Petitioner requests that the petition be held in abeyance pursuant to 23 Cal. Code Regs.
25 §2050.5 and reserves the right to provide a list of persons known to have an interest in the
26 subject matter of the petition.

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28 ///

11. **Record Request**

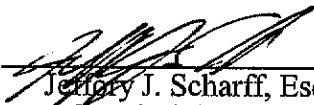
Petitioner requests that the petition be held in abeyance pursuant to 23 Cal. Code Regs. §2050.5 and reserves the right to request that the Regional Water Quality Control Board prepare the record.

PETITIONER HEREBY REQUESTS that this matter be held in abeyance until further notice. Petitioner reserves the right to request a hearing to present evidence available that was not considered by the Regional Board or was improperly excluded or otherwise not considered.

Dated: May 19, 2006

Respectfully submitted,

LAW OFFICES OF JEFFORY J. SCHARFF

By: 
Jeffory J. Scharff, Esq.
Attorney for Virginia L. Drake, Trustee
Drake Revocable Trust

N:\Office\Clients Active\DRA.001\VPet for Rev R5-2006-0711.wpd

1 **PROOF OF SERVICE**

2 I, Heather Venglik, declare as follows:

3 I am at least 18 years of age and not a party to this action. I am employed by the Law
4 Offices of Jeffory Scharff in the County of Sacramento. My business address is 2625 Fair Oaks
5 Boulevard, Suite 7, Sacramento, California, 95864. I am readily familiar with this firm's practice
6 for collection and processing of correspondence for mailing with the United States Postal
7 Service.

8 On May 19, 2006, I served the attached: **PETITION FOR REVIEW**
9 **(Requested to be held in Abeyance) California Regional Water Quality Control**
10 **Board—Central Valley Region, Adoption of Cleanup and Abatement Order No. R5-2006-**
11 **0711** by following ordinary business practice, placing a true a copy thereof enclosed in a sealed
12 envelope for collection and mailing with the United States Postal Serve where it would be
13 deposited for first class delivery, postage fully prepaid, in the United State Postal Service that
14 same day in the ordinary course of business, addressed as follows.

15 I declare under penalty of perjury pursuant to the laws of the state of California that the
16 foregoing is true and correct and that this declaration was executed on May 19, 2006, at
17 Sacramento, California.

18 
19 Heather Venglik

20 Randall Nelson, Esq.
21 Carr, Kennedy, Peterson & Frost
420 Redcliff Drive
Redding, CA 96002

Attorneys for Darwin H. and Nina R.
Simmons, Trustees Simmons Family Trust;
James E. Simmons

22 David R. Frank
23 Office of the City Attorney
411 Main St., 3rd Floor
24 P. O. Box 3420
Chico, CA 95927

Attorneys for City of Chico

25 Francis M. "Mac" Goldsberry, II, Esq.
26 Goldsberry, Freeman & Guzman, LLP
777 12th Street, Suite 250
27 Sacramento, CA 95814
28

1 Michael V. Brady, Esq.
2 Diepenbrock Harrison APC
3 400 Capitol Mall, Suite 1800
4 Sacramento, CA 95814

Attorneys for Baldwin Contracting
Company, Inc.

5 Frances McChesney, Esq.
6 State Water Resources Control Board
7 P.O. Box 100, Sac, CA 95812-0100
8 1001 I Street, 22nd Flr., 95814
9 Sacramento, CA 95814

David Boyers, Esq.
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May 19, 2006

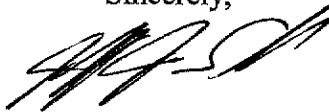
Pamela Creedon
Executive Officer
Regional Water Quality Control Board
Central Valley Region
11020 Sun Center Dr., #200
Rancho Cordova, CA 95670-6114

Re: **Humboldt Road Burn Dump Area 8**
Cleanup and Abatement Order No. R5-2006-0711

Dear Ms. Creedon:

I am writing to you on behalf of Virginia L. Drake, Trustee of the Drake Revocable Trust and petitioner of the above-referenced Order to provide a copy of the petition for review which has been filed on the Trustee's behalf. As you will note, this petition has been filed with the request that it be held in abeyance.

Sincerely,



Jeffory J. Scharff

JJS/hv

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David Boyers, Esq. (via email)
Elizabeth Miller Jennings, Esq. (via email)